

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

----oo0oo----

MONICA TAPIA,

Plaintiff,

v.

SACRAMENTO STEPS FORWARD;
SACRAMENTO WELLNESS CENTER;
private organizations, CITY OF
SACRAMENTO; COUNTY OF
SACRAMENTO, public entities, and
DAVID ELLIOTT, as a private
individual and DOES 1 to 10,
inclusive,

Defendants.

No. 2:20-cv-02529-WBS-JDP

MEMORANDUM AND ORDER RE:
DEFENDANT COUNTY OF
SACRAMENTO'S MOTION TO
DISMISS AND DEFENDANT
CONSUMERS SELF-HELP CENTER'S
MOTION TO DISMISS AND MOTION
TO STRIKE

----oo0oo----

Plaintiff Monica Tapia ("plaintiff") brought this
action against Sacramento Steps Forward, Consumers Self-Help
Center¹, the City of Sacramento, the County of Sacramento, David

¹ Defendant Consumers Self-Help Center was erroneously
sued as Sacramento Wellness Center. (See Consumers Self-Help
Center Corporate Disclosure.) (Docket No. 7.)

1 Elliott, and Does 1 to 10 alleging sexual harassment and invasion
2 of privacy under 42 U.S.C. § 1983, First Amendment retaliation
3 under 42 U.S.C. § 1983, and multiple claims under state law.

4 Before this court are the County of Sacramento's Motion
5 to Dismiss ("County Mot. to Dismiss") (Docket No. 8), Consumers
6 Self-Help Center's Motion to Dismiss, ("Consumers Mot. to
7 Dismiss") (Docket No. 9), and Consumers Self-Help Center's Motion
8 to Strike. ("Consumers Mot. to Strike") (Docket No 10.) The
9 County seeks to dismiss the fourth cause of action for sexual
10 harassment and invasion of privacy under 42 U.S.C. § 1983 and the
11 fifth cause of action for retaliation under 42 U.S.C. § 1983 in
12 addition to several state court causes of action. (See generally
13 County Mot. to Dismiss.) Consumers Self-Help Center likewise
14 seeks to dismiss plaintiff's fourth cause of action for sexual
15 harassment and invasion of privacy under 42 U.S.C. § 1983 along
16 with several state court causes of action. (See Consumers' Mot.
17 to Dismiss.)

18 Plaintiff states that she does not oppose the dismissal
19 of her fourth and fifth claims under 42 U.S.C. § 1983, which
20 constitute her only federal claims, as against all defendants and
21 that she intends to file a motion seeking to dismiss her federal
22 claims. (See Pl.'s Opp'n. to Mot. to Dismiss at 7) (Docket No.
23 13.) Accordingly, the court will grant the dismissal of
24 plaintiff's fourth and fifth claims under 42 U.S.C. § 1983
25 against all defendants.

26 Because the court will dismiss plaintiff's only federal
27
28

1 claims, the court no longer has federal question jurisdiction.²
2 Federal courts have "supplemental jurisdiction over all other
3 claims that are so related to claims in the action within such
4 original jurisdiction that they form part of the same case or
5 controversy under Article III of the United States Constitution."
6 28 U.S.C. § 1367(a). But a district court "may decline to
7 exercise supplemental jurisdiction . . . [if] the district court
8 has dismissed all claims over which it has original
9 jurisdiction." 28 U.S.C. § 1367(c); see also Acri v. Varian
10 Assocs., Inc., 114 F.3d 999, 1001 n.3 (9th Cir. 1997) (en banc)
11 (explaining that a district court may decide sua sponte to
12 decline to exercise supplemental jurisdiction). The Supreme
13 Court has stated that "in the usual case in which all federal-law
14 claims are eliminated before trial, the balance of factors to be
15 considered under the pendent jurisdiction doctrine--judicial
16 economy, convenience, fairness, and comity--will point toward
17 declining to exercise jurisdiction over the remaining state-law
18 claims." Carnegie-Mellon Univ. v. Cohill, 484 U.S. 343, 350 n.7
19 (1988).

20 Here, comity weighs in favor of declining to exercise
21 supplemental jurisdiction over plaintiff's state law claims
22 because the state court is competent to hear those claims and may
23 have a better understanding of the relevant state law. As for
24 judicial economy, this action was removed to this court only a
25 little over a month ago and is still in its early stages,.
26 Judicial economy does not weigh in favor of exercising

27 ² There is no suggestion that there is diversity
28 jurisdiction in this case, and the court finds none.

1 supplemental jurisdiction.

2 Lastly, convenience and fairness do not weigh in favor
3 of exercising supplemental jurisdiction. The federal and state
4 fora are equally convenient for the parties. There is no reason
5 to doubt that the state court will provide an equally fair
6 adjudication of the issues. Moreover, neither the County nor
7 Consumers Self-Help Center has argued that this court should
8 maintain jurisdiction after the elimination of the federal claims
9 in this case.

10 Accordingly, the court declines to exercise
11 supplemental jurisdiction and will remand plaintiff's remaining
12 state law claims. Because the court remands plaintiff's
13 remaining state law claims, the court will not consider the court
14 will not consider Consumers' Motion to Strike (Docket No. 10),
15 which focuses solely on plaintiff's prayers for relief under
16 state law.

17 IT IS THEREFORE ORDERED that plaintiffs' fourth and
18 fifth claims under 42 U.S.C. § 1983 are hereby DISMISSED as
19 against all defendants.

20 AND IT IS FURTHER ORDERED that this case be, and the
21 same hereby is, REMANDED to the Superior Court of California, in
22 and for the County of Sacramento. The Clerk of this Court shall
23 forward a copy of this Order to the Clerk of the Superior Court
24 of California, in and for the County of Sacramento.

25 Dated: February 2, 2021



26 WILLIAM B. SHUBB
27 UNITED STATES DISTRICT JUDGE
28